



Washington State Senate

The Benton Bulletin

17TH LEGISLATIVE DISTRICT UPDATE FROM SENATOR DON BENTON

VOLUME 1 - JANUARY 2006

Dear Friends,

The 2006 session of the Washington State Legislature began at noon on January 9. The regular 60-day session is scheduled to end on March 9. It is my pleasure to share with you the key bills I am working on this session. Please contact me if you have any questions or need more information.

Jessica's Law: Putting people that molest children behind bars for a long time

I have filed a comprehensive measure to enact "Jessica's Law" in Washington and to close loopholes in sex offender registration laws.

My legislation, **Senate Bill 6389**, puts all convicted child molesters away for 25 years to life. Under my proposal, offenders who murder their victims will also be eligible for the death penalty.

Senate Bill 6389 contains these provisions:

- Increase the penalty for lewd and lascivious molestation of a child to life in prison or a split sentence of a mandatory minimum 25-year prison term, followed by lifetime supervision with electronic monitoring.
- Make sexual predators who murder their victims eligible for the death penalty in capital cases.
- Designate failing to re-register as a sexual offender/predator or harboring or assisting a sexual predator/offender a third degree felony.
- Require those already convicted of sex crimes to have electronic monitoring for the remainder of their probation.
- Require community corrections officers to check the sex offender registry to note whether an offender newly assigned to them is a sex offender and if all reporting requirements are met.
- Require offenders to report twice yearly to verify and update registration information with the county sheriff.

I have also filed two bills dealing specifically with registration requirements for sex offenders. We can't monitor these people if we don't know where they are. Allowing people to get off the hook by claiming to be transient is wrong. They have some connection somewhere in the community. Let's nail that down.

Senate Bill 6519 requires sex offenders to verify their registration information every six months – whether they move or not – instead of once a year, as is now required. Failing to do so is a class B felony.

Senate Bill 6634 requires so-called transients to give their last known address and the address and phone number of their nearest relative.

We have offenders out there now, living in our neighborhoods. This issue isn't just prospective. We also have a duty to target existing offenders with tough new laws.

Property Rights

☒ Protecting property owners from land-grabs disguised as eminent domain

In response to a Washington State Supreme Court decision that allowed a government entity to take private land for private use, I have filed a bill this session to rein in the court's discretion by strengthening the constitutional foundation for the proper use of eminent domain.

The Washington State Constitution specifically forbids government entities from taking private property for another private use. Unfortunately, the court came out with a decision on the Pioneer Square Monorail station that allowed privately owned land to be taken on a flimsy and abusive construction of "public use."

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Senator
Don Benton

Committee assignments:

- Transportation
- Financial Institutions, Housing & Consumer Protection, ranking Republican
- Early Learning, K-12 & Higher Education
- Government Operations & Elections

Contacting me in Olympia:

Office Address:

109-B Irv Newhouse Bldg.
PO Box 40417
Olympia, WA 98504-0417

Phone: (360) 786-7632

FAX: (360) 786-7819

e-mail: benton.don@leg.wa.gov

Toll-Free Legislative Hotline:
1-800-562-6000

Legislative information on the Internet:
www1.leg.wa.gov





In the dissent on the Monorail decision, Justice Richard Sanders wrote: “Municipal corporations do not possess an inherent power of eminent domain and thus may exercise such power only when expressly authorized to do so by the state legislature.”

My legislation, **Senate Bill 6388**, puts into statute very specific language as to what constitutes public use and declares: “No government shall take or damage private land or any interest in real property that is not to be used for the construction of a public use facility or the provision of a public service necessary to protect public health and safety.”

The Kelo case in Connecticut last summer put us all on high alert. After the United States Supreme Court said the U.S. Constitution did not prohibit the city of New London from condemning private property for private business use, it became clear that a property owner’s protection was going to have to come from state laws and provisions in a state’s constitution.

☒ Protecting property owners rights in annexation decisions

I have introduced a measure, **Senate Bill 6521**, to require a public vote before an area can be annexed to a city. My bill says: If a petition to put the question on the ballot is signed by 10 percent of the affected property owners, there must be a public vote of all residents in the area.

A move to annex more land to the city of Vancouver is underway and my bill will protect property owners who don’t want to be annexed into the city, which

often amounts to more taxes, more regulations and no additional services.

Since incorporation in 1857, Vancouver has annexed land 130 times. The first six times were approved by registered voters in the proposed annexation areas. Laws have changed since then, making it much easier to annex without voter approval, resulting in 124 more annexations.

Landowners should have the right to make a choice about whether or not they want their land to become part of a city. Annexation decisions have been moving in the wrong direction. It’s time to go back to the people and give them a say in the process.

☒ Protecting property owners against skyrocketing assessments

I am co-sponsoring **Senate Joint Resolution 8219**, a constitutional amendment which limits changes in assessed valuation of a property to one percent of the previous year’s assessed valuation. The exceptions are when the property is sold or new construction, like a remodel, takes place. The proposal also requires that the assessed value of real property shall reflect substantial damage, destruction, or other occurrences that cause a decline in the assessed value of real property. Constitutional amendments require a two-thirds vote of the House and Senate to go to the next general election ballot. It takes a simple majority vote of the people to approve a change to our constitution.

Please use this space for any comments and drop it in the mail to me or e-mail me your thoughts (benton.don@leg.wa.gov). You can also get a message to me by calling the toll-free Legislative Hotline at 1-800-562.6000.